

Message Text

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ORIGIN L-03

INFO OCT-01 NEA-10 ISO-00 EB-08 COME-00 TRSE-00 OMB-01
JUSE-00 H-01 SS-15 NSC-05 CIAE-00 INR-07 NSAE-00
STR-04 FTC-01 SP-02 EA-07 /065 R

DRAFTED BY L/EB:SEBENSON:BAS

APPROVED BY L:MFELDMAN

L/NEA-WRHODES

NEA:CNAAS

-----150528Z 041617 /17

R 150109Z FEB 77
FM SECSTATE WASHDC
TO AMEMBASSY TEHRAN

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E.O. 11652: N/A

TAGS: IR

SUBJECT: GOI REQUEST RE: BILATERAL AGREEMENT ON BRIBERY

REF: TEHRAN 1461

1. BELOW IS TEXT OF A SAMPLE BILATERAL AGREEMENT ON EXCHANGE OF INFORMATION REGARDING LOCKHEED ACTIVITIES. SIMILAR AGREEMENTS HAVE BEEN ENTERED INTO BETWEEN U.S. DEPARTMENT OF JUSTICE AND ITS COUNTERPART AGENCIES OF 12 OTHER COUNTRIES.

2. SAMPLE TEXT OF AGREEMENT IS AS FOLLOWS:QUOTE:

PROCEDURES FOR MUTUAL ASSISTANCE IN ADMINISTRATION OF JUSTICE IN CONNECTION WITH THE LOCKHEED AIRCRAFT CORPORATION MATTER.

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-- THE UNITED STATES DEPARTMENT OF JUSTICE AND THE MINISTRY OF JUSTICE OF JAPAN, HEREINAFTER REFERRED TO AS "THE PARTIES", CONFIRM THE FOLLOWING PROCEDURES IN REGARD TO MUTUAL ASSISTANCE TO BE RENDERED TO AGENCIES WITH LAW ENFORCEMENT RESPONSIBILITIES IN THEIR RESPECTIVE COUNTRIES WITH RESPECT TO ALLEGED ILLICIT ACTS PERTAINING TO THE

SALES ACTIVITIES IN JAPAN OF THE LOCKHEED AIRCRAFT CORPORATION AND ITS SUBSIDIARIES OR AFFILIATES.

1. ALL REQUESTS FOR ASSISTANCE SHALL BE COMMUNICATED DIRECTLY BETWEEN THE PARTIES.

2. UPON REQUEST, THE PARTIES SHALL USE THEIR BEST EFFORTS TO MAKE AVAILABLE TO EACH OTHER RELEVANT AND MATERIAL INFORMATION, SUCH AS STATEMENTS, DEPOSITIONS, DOCUMENTS, BUSINESS RECORDS, CORRESPONDENCE OR OTHER MATERIALS, AVAILABLE TO THEM CONCERNING ALLEGED ILLICIT ACTS PERTAINING TO THE SALES ACTIVITIES IN JAPAN OF THE LOCKHEED AIRCRAFT CORPORATION AND ITS SUBSIDIARIES OR AFFILIATES.

3. SUCH INFORMATION SHALL BE USED EXCLUSIVELY FOR PURPOSES OF INVESTIGATION CONDUCTED BY AGENCIES WITH LAW ENFORCEMENT RESPONSIBILITIES AND IN ENSUING LEGAL PROCEEDINGS, CRIMINAL, CIVIL AND ADMINISTRATIVE.

4. EXCEPT AS PROVIDED IN PARAGRAPH 5, ALL SUCH INFORMATION MADE AVAILABLE BY THE PARTIES PURSUANT TO THESE PROCEDURES, AND ALL CORRESPONDENCE BETWEEN THE PARTIES RELATING TO SUCH INFORMATION AND TO THE IMPLEMENTATION OF THESE PROCEDURES, SHALL BE KEPT CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO THIRD PARTIES OR TO GOVERNMENT AGENCIES HAVING NO LAW ENFORCEMENT RESPONSIBILITIES. DISCLOSURE TO OTHER AGENCIES HAVING LAW ENFORCEMENT RESPONSIBILITIES SHALL BE CONDITIONED ON THE RECIPIENT AGENCY'S ACCEPTANCE OF THE TERMS SET FORTH HEREIN.

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-- IN THE EVENT OF BREECH OF CONFIDENTIALITY, THE OTHER PARTY MAY DISCONTINUE COOPERATION UNDER THESE PROCEDURES.

5. INFORMATION MADE AVAILABLE PURSUANT TO THESE PROCEDURES MAY BE USED FREELY IN ENSUING LEGAL PROCEEDINGS, CRIMINAL, CIVIL AND ADMINISTRATIVE, IN THE REQUESTING STATE IN WHICH AN AGENCY OF THE REQUESTING STATE HAVING LAW ENFORCEMENT RESPONSIBILITIES IS A PARTY, AND THE PARTIES SHALL USE THEIR BEST EFFORTS TO FURNISH THE INFORMATION FOR PURPOSES OF SUCH LEGAL PROCEEDINGS IN SUCH FORM AS TO RENDER IT ADMISSIBLE PURSUANT TO THE RULES OF EVIDENCE IN EXISTENCE IN THE REQUESTING STATE, INCLUDING, BUT NOT LIMITED TO, CERTIFICATIONS, AUTHENTICATIONS, AND SUCH OTHER ASSISTANCE AS MAY BE NECESSARY TO PROVIDE THE FOUNDATION FOR THE ADMISSIBILITY OF EVIDENCE.

6. THE PARTIES SHALL GIVE ADVANCE NOTICE PRIOR TO THE INSTITUTION OF LEGAL PROCEEDINGS, CRIMINAL, CIVIL AND ADMINISTRATIVE, IN WHICH INFORMATION MADE AVAILABLE

PURSUANT TO THESE PROCEDURES IS INTENDED TO BE USED.

7. THE PARTIES SHALL USE THEIR BEST EFFORTS TO ASSIST IN THE EXPEDITIOUS EXECUTION OF LETTERS ROGATORY ISSUED BY THE JUDICIAL AUTHORITIES OF THEIR RESPECTIVE COUNTRIES IN CONNECTION WITH LEGAL PROCEEDINGS, CRIMINAL, CIVIL AND ADMINISTRATIVE, WHICH MAY ENSUE IN THEIR RESPECTIVE COUNTRIES.

8. THE ASSISTANCE TO BE RENDERED TO A REQUESTING STATE SHALL NOT BE REQUIRED TO EXTEND TO SUCH ACTS BY THE AUTHORITIES OF THE REQUESTED STATE AS MIGHT RESULT IN THE IMMUNIZATION OF ANY PERSON FROM PROSECUTION IN THE REQUESTED STATE.

9. ALL ACTIONS TO BE TAKEN BY A REQUESTED STATE WILL BE PERFORMED SUBJECT TO ALL LIMITATIONS IMPOSED BY ITS LIMITED OFFICIAL USE

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DOMESTIC LAW. EXECUTION OF A REQUEST FOR ASSISTANCE MAY BE POSTPONED OR DENIED IF EXECUTION WOULD INTERFERE WITH ONGOING INVESTIGATIONS OR LEGAL PROCEEDINGS, CRIMINAL, CIVIL AND ADMINISTRATIVE, IN THE REQUESTED STATE.

10. NOTHING CONTAINED HEREIN SHALL LIMIT THE RIGHTS OF THE PARTIES TO UTILIZE FOR ANY PURPOSE INFORMATION WHICH IS OBTAINED BY THE PARTIES INDEPENDENT OF THESE PROCEDURES.

11. THE MUTUAL ASSISTANCE TO BE RENDERED BY THE PARTIES PURSUANT TO THESE PROCEDURES IS DESIGNED SOLELY FOR THE BENEFIT OF THEIR RESPECTIVE AGENCIES HAVING LAW ENFORCEMENT RESPONSIBILITIES AND IS NOT INTENDED OR DESIGNED TO BENEFIT THIRD PARTIES, OR TO AFFECT THE ADMISSIBILITY OF EVIDENCE UNDER THE LAWS OF EITHER THE UNITED STATES OR JAPAN. END QUOTE.

12. FURTHER BACKGROUND BEING SENT BY SEPTEL.
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Message Attributes

Automatic Decaptoning: X
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Decapton Date: 01-Jan-1960 12:00:00 am
Decapton Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE033554
Document Source: CORE
Document Unique ID: 00
Drafter: SEBENSON:BAS
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770052-1242
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1977/newtext/t19770240/aaaabjgt.tel
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Litigation Codes:
Litigation History:
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Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 TEHRAN 1461
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 14-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3317962
Secure: OPEN
Status: NATIVE
Subject: GOI REQUEST RE: BILATERAL AGREEMENT ON BRIBERY
TAGS: PFOR, IR, JUS
To: TEHRAN
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/27384bc6-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009